రిజిష్టర్డు నెం. ఎ-118



గుంటూరు జిల్లా రాజపత్రము

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అధికారమువలన ప్రచురించబడినది.

నెం. 1(2) గుంటూరు, 2011వ సంవత్సరము, జనవరి నెల, 24వ తేది, సోమవారము

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, GUNTUR

Present : Sri B. RAMANJANEYULU, I.A.S.,

Procdgs. Rc. 832/10/C4 Dated 30-9-10

Sub: CASTE CERTIFICATES - Verification of caste certificate of Kantheti Udaya Sasi Kiran, Arumbaka Village of Cherukupalli Mandal - Placed in DLSC - Findings of the District Level Scrutiny Committee submitted - Recommended for cancellation - Orders Issued.- Reg.

Read : 1. Findings of the District Level Scrutiny Committee, dated 7-9-2010.
2 Other connected papers.

* * *

ORDER :

The Revenue Divisional Officer, Tenali has reported that the Tahsildar, Cherukupalli reported that Sri Kantheti Udaya Sasi Kiran of Arumbaka Village has filed representation stating his natural parents belongs to Kapu by caste and he has been adopted to Yanadi family, under a registered document. He got caste certificate from the then MRO., indicating his caste as Yanadi (ST) isnstead of Kapu (Telaga - OC). He further stated that he has not utilized and benefits under ST category. He requested to cancel the ST caste certificate obtained by him.

The Revenue Divisional Officer, Tenali has further reported that the Tahsildar, Cherukupalli reported that Sri Kantheti Mallaiah who has taken adoption has stated that they belong to Yanadi by caste and neighbour Sri Thota Madhusudhana Rao had cordial relation with him, that he has taken adoption Sri Udaya Sasi Kiran at the age of 15th year and the caste of the child was recorded as Yanadi at the time of admission in the school. He further stated that the natural parents of the child have got cancelled the adoption with his consent because the boy was not willing to name his caste Yanadi.

The Revenue Divisional Officer, Tenali has further reported that the Tahsildar, Cherukupalli reported that he enquired locally with village elders, Sri Ravuri Rama Rao and others who stated that Sri Thota Madhusudhana Rao is working in Registration and Stamps

Department and Sri Udaya Sasi Kiran is his second son and he has been adopted to Sri Kantheti Mallaiah and Durgamma, a couple belonging to Yanadi caste and there onwards the surname of the boy was recorded as Kantheti and father's name as Mallaiah. The further stated that the boy is residing with his natural parents in the Kapu community and he is not willing to continue his caste as Yanadi (ST).

The Revenue Divisional Officer,Tenali has further reported that the Tahsildar, Cherukupalli reported that Sri Thota Madhusudhana Rao belongs to Kapu by caste and got married with Smt. Rajya Lakshmi of the same caste during the year 1985 and got two male children and among them Sri Udaya Sasi Kiran is second child born in 1987. He has given in adoption during the year 2002 to Kantheti Mallaiah and Durgamma who belong to Yanadi caste under registered document dated 16-9-2002 after getting registration he obtained caste certificate of the applicant as Yanadi (ST) from the then Mandal Revenue Officer vide certificate dated 14-8-2002 indicating the surname as Kantheti and fathers name as Mallaiah. It is observed that the caste of the individual was recorded as Yanadi (ST) after completion of intermediate course from Wisdon Junior College, Guntur and it is recorded as OC in his transfer certificate after completion of B. Pharmacy from the Sarada College of Pharmaceutical Science, Kondakavur of Narasaraopet Mandal. But the individual has stated that he has not utilized the benefits under ST category ever since getting the ST caste certificate from the then Mandal Revenue Officer. The natural father of the individual has stated that he does not know the caste of the individual will never be changed even though adoption is from one caste to another caste. He has also stated that the adoption has been cancelled subsequently since his son is not willing.

The Revenue Divisional Officer,Tenali has further reported that the Tahsildar, Cherukupalli finally recommended for cancellation of the Yanadi (ST) Caste Certificate obtained by the individual on adoption to ST (family) and pass necessary orders in the matter.

The Collector & District Magistrate instructed to place the matter before the DLSC.

Accordingly the matter was placed before the District Level Scrutiny Committee and a notice was issued to the individual to attend before the committtee along with relevant documentary evidence.

The individual attended before the committee and stated that he was given in adoption during the year 2002 to Kantheti Mallaiah and Durgamma who belong to Yanadi caste under registerred document dated 16-9-2002, after getting registration he obtained caste certificate of the individual as Yanadi (ST) from the then Mandal Revenue Officer, dated 14-8-2002 indicating the surname as Kantheti and fathers name as Mallaiah. The individual has stated that he has not utilized the benefits under ST category ever since getting the ST caste certificate from the then Mandal Revenue Officer and as he was unwilling to live with the adoption parents and not willing to be treated as belonging to ST Yanadi community, the adoption was cancelled vide consent statement dated 26-12-2009.

After perusing the entire record placed before the DLSC, the following points were taken into consideration.

1. Regarding the issue of the caste certificate in case of adoption children by Scheduled Caste & Scheduled Tribe parents, the powers are delegated to Joint Collectors who shall issue caste certificates to the children below 15 years of age. Where the caste relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate. In this case the caste certificate has to be issued by the Joint Collector as the individual is below 15 years of the age at the time of adoption and hence the certificate issued by the Mandal Revenue Officer, Cherukupalli dated 14-8-2002 is not valid as the same was issued by incompetent authority.
2. As the individual himself stated that he is not willing to be treated as ST Yanadi and not resided with his adopted parents at any time, the question of treating him as ST does not arise and the presence of physical association with the adopted parents is very much essential to treat him as ST.
3. The natural father and the individual stated that they never availed the benefits of ST during the boy's entire educational career and will not claim in the future also, and the Tahsildar, Cherukupalli and the Revenue Divisional Officer,Tenali recommended the cancellation of the ST Yanadi certificate issued to the individual dated 14-8-2002.

In view of the above observations, the DSLC came to a conclusion that the ST Yanadi caste certificate issued by the Mandal Revenue Officer, Cherukupalli dated 14-8-2002 is liable to be cancelled.

As the candidate himself requested to cancel the ST Yanadi certificate issued in his favour and agreeing with the recommendations of the DLSC, I . B. Ramanjaneyulu, I. A.S., Collector & District Magistrate, Guntur, in exercise of the powers conferred under rule 9(9) of the A.P., (SC, ST & BC's) regulation of issue of community certifiate Rules 1997 read with Section 5(1) of the Act, 1993 hereby hold Sri Kantheti Udaya Sasi Kiran is not eligible to obtain Yanadi (ST) Caste certifcicate from the Tahsildar, Cherukupalli dated 14-8-2002 and the same is hereby cancelled. In this connection, it is also observed that the issue of the Yanadi (ST) caste certificate is against the Government rules, as the Tahsildar is not competent to issue such caste certificate as per guide lines issued by the Govt.

B. RAMANJANEYULU,
Collector & District Magistrate,
GUNTUR.

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, GUNTUR

Present : Sri B. RAMANJANEYULU, I.A.S.,

Procdgs. Rc. 1358/09/C4 Dated 13-12-10

Sub: CASTE VERIFICATION - Guntur District - Tadikonda Mandal - Gorantla Village - Enquiry conducted by the District Level Scrutiny Committee on the caste status of Sri Somarouthu venkateswarlu F/o Somarouthu Maruthi Ram - Cancellation of 'KONDA KAPU" (ST) Caste Certificate - Orders Issued..

Read :
1. This Office R.Dis. 2525/1999/C4, dated 17-5-2009.
2. Lr. No. 666/40/SCT/050, dated 18-6-2009 of the Asst. General Manager, Andhra Bank, Head Office, Saifabad, Hyderabad.
3. Tahsildar, Tadikonda Rc.375/06/C, dated 14-9-2006.
4. RDO., Guntur Rc. 3662/05/C4, dated 13-12-2007.
5. Findings of the DLSC, dated 26-8-2010.

* * *

ORDER :

The Personnel Manager, Andhra Bank, Hyderabad has informed that Sri S. Maruthiram S/o S. Venkateswarlu R/o Gorantla Village of Tadikonda Mandal joined their Bank during 1983 in Clerical Cadre under ST category and promoted to Officer JM-I cadre during 1990 and presently working in their Gorantla Branch, Guntur District. At the time of his initial appointment, he submitted a caste certificate dated 9-2-1983 issued by Deputy Colletor on deputation as District Manager, A.P.State Civil Supplies Corporation Limited, Hyderabad.

The Revenue Divisional Officer, Guntur has reported that Sri Somarouthu Venkateswarlu obtained certificate from Palasa Mandal that he belongs to Konda Kapu and basing on it he obtained (S.T. Certificate from Mangalagiri Tahsildar and admitted his son in Intermediate in Tadikonda College. But in school records their caste was recorded as "HINDU KAPU" and MPHS date also reveals as "Kapu". The Mandal Revenue Officer reported that there is one family having Somarouthu as Surname at Mukkamala Village of Tadikonda Mandal and they belong to Kapu, recommending this case to be treated as "Hindu Kapu" (OC) because they married Kapu caste people and settled there.

The Revenue Divisional Officer, Guntur has further reported that all the material available was corroborating that the family of Somarouthu Maruthiram belongs to 'KAPU" OC.

The matter has been placed before the District Level Scrutiny Committee as per the recomendations of the Revenue Divisional Officer, Guntur and the caste of S. Maruthiram was got verified and a report was sent to the Personnel Manager, Andhra Bank, Hyderabad that the caste of the individual could not be considered as "KONDA KAPU" (ST) as the individual had never been inhabited in the agency areas and all the family members married Kapu persons only, their caste are mentioned as Kapu in the educational records and they are being treated as Kapu in the Village and it was informed to address the Collector, Hyderabad to request to cancel the caste certificate issued to Sri S. Maruthiram by the Deputy Collector on deputation, District Manager, A. P., State Civil Supplied Corporation Limited, Hyderabad and this district has no jurisdication to cancel the same.

The Assistant Manager, Andhra Bank has requested the Collector, Guntur to cancel the

"KONDA KAPU" Certificate issued by the Tahsildar, Mangalagiri to Sri Somarouthu Venkateswarlu, Father of Somarouthu Maruthiram. Accordingly a notice was issued to Sri Somarouthu Venkateswarlu to attend before the District Level Scrutiny Committee on 12-1-2010. It was informed by the wife of Venkateswarlu, Narayanamma who attended the meeting on 12-1-2010 that her husband died on 7-2-2008 and produced his death certificate issued by the Panchayat Secretary, Tadikonda.

Again on 1-5-2010 she attended to the District Level Scrutiny Committee meeting and a statement was recorded from her. She stated that she is a resident of Tadikonda Village and Mandal, she was married to Sri Somarouthu Venkateswarlu who is a native of Pothra Village of Palasa Mandal, Srikakulam District 60 years ago, that her husband belongs to " Konda Kapu" community and he migrated to Tadikonda in search of means of livelihood along with his father Ramakrishna and settled in the Village. She further stated that except these two persons, no other came to their village. She further informed that her parents are Goddanti Hanumantha Rao and Seetharamamma and they are the natives of the village and since her marriage she lived with her husband only in Tadikonda Village. Her husband used to periodically visit his native village Pothra but she did not know about his relatives. She stated that they had three children, two daughthers and one son Maruthiram, both the daughters are not educated much and were married to Telaga caste persons, her son Maruthiram studied B. Com., and is working as Officer in Andhra Bank, Abid's Branch and he was married to Yaraavarla Padma, D/o Subba Rao, Hyderabad, belonging to Telaga caste. She also stated that there are no educational documents to prove his husband as "KONDA KAPU" as he was uneducated and that her husband died three years back. She informed that she and all her relatives belong to Telaga caste and she had no certificates of her husband and his relatives to show as evidence and finally stated that no caste certificates were taken in favour of her daughters.

In view of the above statement of the wife of the individual and other enquiry record pertaining to S. Maruthiram, his son, it is evident that the caste of Somarouthu Venkateswarlu could not be proved in the absence of any material evidence as the wife is unable to establish that her husband migrated from Pothra Village of Palasa Mandal of Srikakulam District and so the caste certificate issued to him by the Tahsildar, Mangalagiri dated 23-11-78 is liable to be cancelled on the reasons that the caste could not be proved and that the Mandal Revene Officer is not competent to issue "Konda Kapu" certificate in non-scheduled areas as per the instructuin laid down by the Government.

Agreeing with the finding of the DLSC a final notice was issued to Smt. S. Narayanamma W/o Venkateswarlu (Late) to show cause why "KONDA KAPU" (ST) Certificate issued to Sri Somarouthu Venkateswarlu F/o S. Maruthiram, should not be cancelled with in 7 days. In this regard this office has not yet received any reply from her.

After going through the entire record, it was concluded that as per the recommendations of the DLSC on canceling the "KONDA KAPU" Certificate (ST) issued to Sri Somarouthu Venkateswarlu F/o S. Maruthiram is liable to cancelled.

In view of the above, I. B. Ramanjaneyulu, I.A.S., Collector & District Magistrate, Guntur exercise of the powers conferred by the Government under Section 5(1) of the A.P. (SC, ST & BCs) Regulation of issue of Community Certificates Act 16 of 1993, read with Rule 9(7) of AP (SC, ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997, communicated in G. O. Ms. No. 58 Social Welfare Department, dated 12-5-1997, the "KONDA KAPU" (ST) caste certificate issued to Sri Somarothu Venkateswarlu F/o S/o S. Maruthiram by the Mandal Revenue Officer, Mangalagiri dated 23-11-1978 is hereby cancelled.

B. RAMANJANEYULU,
Collector & District Magistrate,
Guntur.

NOTIFICATION

In accordance with Section 5(!) of the A.P. (SC, ST & BCs) Regulation of issue of Community Certificates Act 16 of 1993, read with Rule 9(7) of AP (SC, ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997, the "KONDA KAPU" (ST) Caste Certificate issued by the then Mandal Revenue Officer, Mangalagiri dated 23-11-1978 to Sri Somarothu Venkateswarlu F/o S. Maruthiram, R/o Tadepalli Village and Mandal is hereby cancelled as it could not be proved that he belongs to ST "Konda Kapu" and the Mandal Revenue Officer is not competent to issue "Konda Kapu" Certificate in non-scheduled areas as per the instruction laid down by the Government.

B. RAMANJANEYULU,
Collector & District Magistrate,
Guntur,
[Rc. No. 1358/09/C4.

ముద్రణ కమీషనరుగారిచే ప్రభుత్వ ప్రాంతీయ ముద్రణాలయము, విజయవాడనందు ముద్రించబడి, జిల్లా కలెక్టరుగారిచే ప్రచురించబడినది.